

**THE LABOR COMMISSION
WORKERS' COMPENSATION ADVISORY COUNCIL**

**Tuesday, April 19, 2011 – 12:00 P.M.
Room 319, Heber M. Wells Bldg.
Salt Lake City, Utah**

The following Advisory Council members were in attendance:

Ralph Astorga, President, USWA Local 392
Thomas Bingham, President, Utah Manufacturers Association
David Bird, Esq.
Jeff Rowley, Risk Manager, Salt Lake County
Dennis Lloyd, Workers Compensation Fund
K. Dawn Atkin, Attorney
Reo Castleton, President, SL Cnty Fire Dept Local 1696
Edward Holmes, M.D., Summit View Medical
Dave Davis, President, Utah Food Industry Association
Richard J. Thorn, President/CEO, Associated General Contractors - Utah Chapter
Sen. Karen Mayne
Kathleen Bissell, Liberty Mutual by telephone
Brian Kelm, Esq.
Brandt Goble

The following Advisory Council members were excused:

Rep. Mike Morley
Brad Tibbitts, Utah State Insurance Department

The following Advisory Council members were absent:

Others Present:

Alan Hennebold, Deputy Commissioner
Ron Dressler, Director, Division of Industrial Accident, Labor Commission
Sara Danielson, Administrative Assistant, Labor Commission
David Lamb, Administration Director, Labor Commission
Maggie Karpuk, NCCI
Dr. Alan Colledge, Medical Director
Ty Berrett
Richard La Jeunesse, ALJ
Karla Rush, Adjudication
Debbie Hann, ALJ
Lori Lima, ALJ
Deidre Marlowe, ALJ
Aurora Holley, ALJ
Peg Howarth, WCF
Elena Bensor, Workplace Safety Coordinator

WELCOME

Welcome –Commissioner, Sherrie Hayashi brought the meeting to order at 12:00 p.m.

1. Miscellaneous Business:

Commissioner Hayashi called for a motion to approve the minutes of the last Advisory Council meeting. Tom Bingham moved to approve the minutes; Ralph Astorga seconded the motion. The voting was unanimous.

Commissioner Hayashi turned time over to Sen. Karen Mayne. Sen. Mayne announced that there would be a ceremonial signing of the Task Force Bills: HB11, HB191 and SB35. She also mentioned that she is getting calls from other states that are looking at what Utah has done in these areas and patterning their legislation after ours.

2. Budget – David Lamb

David Lamb provided a handout of the current status of the ERF, UEF and Workplace Safety accounts. He stated that the Labor Commission is doing well and that the funds are sound.

3. Workplace Safety Account and 2011 Projects – Elena Bensor

Elena Bensor provided a handout and explained that the current grants will end in June and applications of the 2011 – 2012 Grants are due by April 25. The new applications will be reviewed the week of May 23 through 26; and then will be funded as of July 1. \$623,000.00 is expected to be awarded.

Elena also explained that the Workplace Safety Poster Contest is currently in process. This year there were 1700 entries and the number of schools participating has doubled.

4. Industrial Accident's Updates – Ron Dressler

Ron Dressler announced that the 123 form "Physicians First Report" is available in an electronic format. He also explained that with the EDI project an electronic form 122 "Employer's First Report" will be available by the end of the calendar year. The Division will be holding a meeting on April 28 in the SL County Council Chambers at 9:30 am to provide information about the EDI project and answer questions about it. As the launch of EDI nears, the Division will be holding meetings of a more technical nature.

5. 2011-2012 Medical Fees – Dr. Alan Colledge

Dr. Colledge presented a powerpoint presentation regarding the Medical Fees for the coming year. Maggie Karpuk explained that the fees are only a small part of the loss cost figures provided to insurance carriers. Dr. Colledge explained that we need to have a Council recommendation as to whether an adjustment is necessary now, so that we can move forward with promulgating the rule. He suggested that for simplicity sake we could leave the conversion rates as they currently are which results in a +1.9% impact on overall workers' compensation costs. It was explained that NCCI needs the conversion rates in May so that they can figure what the new loss cost figures will be. Discussion was held.

Dawn Atkin moved that the council postpone making a recommendation until NCCI can run some sample loss costs with raising the conversion factors slightly \$1 and \$2. And then have the council review and comment on the samples via email. Then if necessary, call a special Council meeting to vote on a recommendation. Dawn also requested that the Physical therapy section of the Medical Fees be looked at. Ralph Astorga seconded the motion. Voting was unanimous.

6. Workers' Compensation Legislation – Alan Hennebold

Alan Hennebold stated that 7 bills that directly affect workers' compensation were put forward during the Legislative Session. The Council was in favor of 6 of the bills. These 6 bills passed and the 1 not favored, did not. Three of the bills require some rule making: Electronic filings of documents in Adjudicative

proceedings; Waivers of coverage; and Construction. Construction does not require immediate rule making.

7. Rules

Workers' Compensation Coverage Waivers – Ron Dressler

Ron Dressler explained that the transfer of responsibility for waivers from the Fund to the Commission requires rule making. The proposed text of R612-12 was provided. He explained that in order for the rule to be effective as of July, the proposed rule needs to be filed by April 30th and published by May 15th, which allows for it to be effective by July 1. Ron explained that the fee for the waiver will remain at \$50 to begin with. A handout was also provided that explains how the fee was determined and how it would be used. Discussion was held.

Dawn Atkin made a motion to approve the proposed rule change. Jeff Rowley seconded the motion. Voting was unanimous.

Adjudication Electronic Filing – Richard La Jeunesse

Richard explained that with the statute change to allow for electronic filing of documents, the rules also needed to be changed to allow for electronic filing. The text of the proposed changes was handed out. Discussion was held.

Dave Davis made a motion to approve the proposed rule changes. Brian Kelm seconded the motion. Voting was unanimous.

8. Other Business – Commissioner Hayashi

Commissioner Hayashi stated that the next Council meeting would be July 13, and the following one would be October 12. A special meeting might have to be arranged to determine a recommendation for the Medical Fee conversion rates.

Brandt Goble moved to adjourn the meeting. Brian Kelm seconded the motion, voting was unanimous.

Meeting closed at 1:55 pm.